

Appl. No. 09/942,061
Amdt. Dated January 5, 2006
Reply to Office Action of Nov. 2, 2005

REMARKS/ARGUMENTS

In the Office Action dated November 2, 2005, the Examiner 1) rejected claims 60, 62, 63, 66, and 67-69 under 35 U.S.C. § 103(a) as being unpatentable over *Deibert* (U.S. Patent 4,336,728) in view of either *Rozmus* (U.S. Patent 3,490,317) or *Kress* (U.S. Patent 1,957,462); 2) rejected claims 61, 64, and 65 under 35 U.S.C. § 103(a) as being unpatentable over *Deibert* in view of either *Rozmus* or *Kress*, further in view of *Chow* (U.S. Patent 5,533,427); 3) provisionally rejected claims 60-67 under the judicially created doctrine of double obviousness-type patenting as being unpatentable over claims 6 and 14 of copending application No. 10/751,722; and 4) allowed claims 21-25, 40-41, 57 and 59.

In responding to the rejections below, Applicant makes arguments addressed to specific claims. Applicant's arguments are intended to be limited to the claims to which they are addressed. Such arguments are not intended to apply to similar language in other claims not expressly addressed by the arguments.

Amendments to the Claims

Claim 60 has been amended to include that the pawl is a sliding pawl and that the switch member is switchable between two positions for sliding the pawl between a first location and a second location so as to change ratcheting direction of the drive member. Claim 60 has been amended to differentiate the sliding pawl of the claimed invention from the pivoting pawls found in each of the cited references. Figures 1-5 and 7-9 of the instant application clearly show a sliding pawl that is moved between two distinct locations so as to change the ratcheting direction of the drive member. A sliding pawl that slides between two locations it is fundamentally different from, and thus can not be anticipated by, a pivoting pawl that pivots about an axis between two positions.

Claims 60, 62, 63, 66, and 67-69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Deibert* in view of either *Rozmus* or *Kress*. Each of the cited references teaches a biasing mechanism for a pivoting pawl that pivots about an axis between two positions while the center of the pawl remains stationary. Biasing mechanisms for pivoting pawls seek to impart a purely rotational movement in the pivoting pawl. This movement pivots the pawl about an axis between two orientations engaged with a gear wheel. The biasing mechanism then allows the pawl to pivot slightly so as to allow rotation of the gear wheel in one direction.

Biasing mechanisms used with sliding pawls operate distinctly different in that the biasing mechanism slides the pawl from a first location to a second location engaged with a gear wheel. During ratcheting, the sliding pawl biasing mechanism allows the pawl to slide out of engagement with the gear wheel so as to allow rotation of the gear wheel in one direction. It was found that the sliding movement of the pawl allows the pawl to be moved to a position in which more ratchet teeth of the pawl are firmly engaged with the teeth of the drive member when the handle is operated in a direction for driving a fastener than in tools with a pawl that merely pivots around a fixed center. (see Figs. 3, 5, and 8). The torque-capacity of the reversible ratchet-type wrench in accordance with the present invention is thus increased as compared to pivoting pawls.

As none of the references cited by the Examiner teach a sliding pawl or a switch member that slides the pawl between a first location and a second location, the combination of the cited references can not render obvious the claimed invention.

Claims 61, 64, and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Deibert* in view of either *Rozmus* or *Kress*, further in view of *Chow*. As discussed above none of *Deibert*, *Rozmus*, or *Kress* teach a pivoting pawl as is claimed in the amended claims. The Examiner only relies on the combination of *Deibert* and *Rozmus* or *Kress* to teach all of the limitations except

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for the recessed gear wheel drive member. As discussed above, because none of *Rozmus*, *Kress*, or *Chow* teaches a sliding pawl, the cited combination does not render obvious claims 61, 64, and 65.

Claims 60-67 were provisionally rejected under the judicially created doctrine of double obviousness-type patenting as being unpatentable over claims 6 and 14 of copending application No. 10/751,722. A terminal disclaimer is submitted herewith.

Claim 70 has been added to further claim the current invention.

Conclusion

Allowance of claims 21-25, 40-41, 57, and 59-70 is respectfully requested. If the Examiner believes that a telephonic interview would be beneficial, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,



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